

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICON GROUP, INC., *et al.*,

Plaintiffs,

v.

Case No. 14-cv-10785
Hon. Matthew F. Leitman

MARCO CONTRACTORS, INC., *et al.*,

Defendants.

ORDER (1) WITHDRAWING DEFENDANTS' MOTION TO DISMISS; (2) GRANTING DEFENDANTS LEAVE TO RE-FILE MOTION TO DISMISS; (3) DISMISSING AS MOOT IN PART AND DENYING WITHOUT PREJUDICE IN PART PLAINTIFF DETROIT SPECTRUM PAINTERS INC.'S MOTION TO STRIKE MOTION TO DISMISS AND REQUEST FOR SANCTIONS (ECF #82); AND (4) CONTINUING PROCEEDINGS ON PLAINTIFF DETROIT SPECTRUM PAINTERS INC.'S MOTION TO ENFORCE COURT ORDER AND COMPEL DISCOVERY (ECF #71) AND MOTION FOR COURT INTERVENTION AND SANCTIONS (ECF #75)

In this action, Plaintiffs Americon Group, Inc., Garr Electric Co., Inc., and Detroit Spectrum Painters, Inc. allege that Marco Contractors, Inc. failed to pay amounts owing under their respective contracts. (*See* Second Am. Compl., ECF #30.) On July 28, 2017, Detroit Spectrum Painters filed a motion to enforce the Court's July 12, 2017 Order (ECF #70) and to compel discovery. (*See* ECF #71.) On November 2, 2017, Detroit Spectrum Painters filed a motion for court intervention and sanctions. (*See* ECF #75.) On December 13, 2017, Defendants Marco Contractors and Old Republic Insurance Company filed a motion to dismiss the Plaintiffs' claims. (*See* ECF

#80.) In response, Detroit Spectrum Painters filed a motion to strike Defendants' motion to dismiss and request for sanctions. (*See* ECF #82.) The Court held a hearing on December 14, 2017.

For the reasons stated at the hearing on December 14, 2017, it is **HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss (ECF #80) is **WITHDRAWN**.
2. The Court **GRANTS** Defendants leave to re-file a motion to dismiss.

Unless otherwise ordered by the Court, Defendants must refile any motion to dismiss no later than January 4, 2018, and Plaintiffs shall file a response to Defendants' motion to dismiss no later than January 25, 2017.

3. Detroit Spectrum Painters' motion to strike Defendants' Motion to Dismiss (ECF #82) is **DISMISSED AS MOOT**, and Detroit Spectrum Painters' request for sanctions (ECF #82) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that proceedings on Detroit Spectrum Painters' motion to enforce the Court's July 12, 2017 Order and to compel discovery (ECF #71) and motion for court intervention and sanctions (ECF #75) are **CONTINUED** until the Court makes a determination on Defendants' forthcoming motion to dismiss.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 14, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 14, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764